

This record is a partial extract of the original cable. The full text of the original cable is not available.

S E C R E T AMMAN 006270

SIPDIS

DEPT FOR NEA, NEA/ARN, PM, L

E.O. 12958: DECL: 09/30/2012

TAGS: [PREL](#) [KPAL](#) [IS](#) [IZ](#) [JO](#) [MEPP](#)

SUBJECT: KING POSITIVE ON ARTICLE 98, BUT BUREAUCRACY DRAGS ITS HEELS

Classified By: Amb. Edward W. Gnehm for reasons 1.5 (B) and (D)

1. (U) This is an action request for the Department.
Please see para 6 below.

2. (S) In a conversation with A/S Burns on October 19, King Abdullah said again that he thought Jordan should be able to sign an Article 9 agreement.

3. (C) However, in a separate conversation October 20 with Foreign Minister Marwan Muasher, Muasher indicated to Burns a reluctance to "give up something others are not giving up. We want to preserve our credibility in the international community" as the chair of the ICC member states' group. He asked for information on other states that have signed Article 98 agreements with the U.S., and whether they are signatories or members of the ICC. (Note: Embassy passed that information to the MFA's Secretary General and Legal Advisor October 21).

4. (C) Jordan's UN PermRep, Prince Zaid bin Raad, called Amb. Gnehm from New York October 23. He said that FonMin Muasher had told him the GOJ wants to finalize an Article 98 agreement quickly. However, the Jordanian Armed Forces (JAF) had not yet responded to two MFA requests for copies of the notes which govern the status of DoD civilian and military personnel in Jordan. In addition, he continued, Jordan is not yet sure that signing an Article 98 agreement with the U.S. is consistent either with Jordan's obligations under the ICC, or Jordanian laws and constitution.

5. (C) PolCouns and PolOff called on MFA Legal Advisor Samer Naber October 24. Naber confirmed that he has been unable to retrieve from the GOJ's own files a copy of the exchange of notes that governs status of U.S. forces in Jordan. He also said he is awaiting the arrival of a book by an Italian judge about the negotiations surrounding Article 98, so that Jordan can be completely sure that it can ascribe legally to the U.S. interpretation of Article 98 (Naber described the text of Article 98 as "purposefully vague"). Finally, he said, all GOJ decisions on ICC matters are going through Prince Zaid, due to his position as head of the states parties group, to make sure that he is not "politically exposed." PolCouns argued that the intent of Article 98 is quite clear, that the U.S. is not asking Jordan to do anything that is outside the treaty, and that six full ICC members and three ICC signatories have already signed Article 98 agreements with the U.S.

6. (C) Action request for the department: Post is unable to locate in its files copies of the notes governing the status of DoD civilian and military personnel in Jordan (U.S. note 251 of 04 April 1996 and Jordan note MK/3/21/366 of 10 April 1996). Post would appreciate it if L or PM could locate these documents and fax them to PolCouns Doug Silliman at 962-6-592-0159. Quick receipt of these documents could speed the completion of Jordan's legal analysis of Article 98.

GNEHM